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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 8th April 2025

S.R.O. No. 214/2025—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 1st March 2025 passed in the I.D. Case No. 25 of 2024 by the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the M/s ORIFEB Industries, A/33, Industrial Estate, Madhupatna, Khapurja, Cuttack and Shri Dharendra Kumar Das (Ex-Welder) S/o Late Kelu Charan Das, Vill. Turukha P.O. Jhankad, P.S. Tritol, Dist. Jagatsinghpur, C/o President, Khapurja Silpanchal Karmachari Sangha, Dattatreya Bhawan, Plot No. D/476, Sector-8, CDA, Cuttack was referred for adjudication is hereby published in the schedule below :—

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No. 25 of 2024

Dated the 1st March 2025

Present :

Smt. Meenakshee Priyadrasinee
Presiding Officer,
Labour Court,
Bhubaneswar.

Between :

M/s ORIFEB Industries, A/33,
Industrial Estate,
Madhupatna, Khapurja,
Cuttack.

. . First Party—Management

And

Shri Dharendra Kumar Das (Ex-Welder)
S/o Late Kelu Charan Das,
Vill. Turukha P.O. Jhankad, P.S. Tritol,
Dist. Jagatsinghpur.

. . Second Party—Workman

C/o President, Khapuria Silpanchal Karmachari
Sangha, Dattatreya Bhawan, Plot No. D/476,
Sector-8, CDA, Cuttack.

Appearances :

None	.. For the First Party—Management
Dhirendra Kumar Das	.. The Second Party—himself

AWARD

The Government of Odisha in the Labour & E.S.I. Department in exercise of powers conferred upon it by sub-section (5) of Section 12 read with Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (for short 'the Act') have referred the following dispute for adjudication by this Court vide their Memo. No. 5733/LESI, dated the 31st July 2024 :

SCHEDULE

“whether the action of the management of M/s ORIFEB Industries, A/33, Industrial Estate, Madhupatana, Cuttack in terminating the service of the workman Shri Dhirendra Kumar Das, Ex- Welder with effect from the 7th July 2020 is legal and/or justified ? If not what relief the workman is entitled to ?

2. Bereft of unnecessary details, the case of the second party workman as emerge from his claim statement is that, the 2nd party workman was initially engaged as a 'Welder' by the 1st party management, but with effect from the April 2011 he was provided with regular work. A list of employees stated to have prepared by the management during inspection of E.S.I. Authority wherein the name of the second party is not only found place but also his wages was mentioned @ Rs. 5,400 per month, but the same was enhanced from time to time. Accordingly, the last drawn salary of the second party was fixed @ Rs. 13,245 per month. It is averred in the claim statement that on the 6th July 2020 all of sudden the second party was told that his service was no more required from tomorrow. At this the sudden party was not allowed to perform his work with effect from the 7th July 2020 which amounts to his termination by way of refusal of employment. But it is alleged that the management while terminating him from service has not complied the statutory provisions of the I.D. Act. The second party, thereafter put forth his grievance before the management for his reinstatement in service, but to no avail. So, the second party consequent upon his termination from service had moved the concerned D.L.O through his union which culminated into present reference.

3. Upon filing of the present case by the second party notice was issued to the management for its appearance so also for filing of WS. Despite that as the management neither filed its WS, if any nor participated during hearing of the case it was set *ex parte* vide Order No. 09, dated the 3rd February 2025.

4. During *ex parte* hearing the 2nd party while examined himself as WW No.1 has also placed reliance on certain document which are marked as Exts. 1 to 3.

FINDINGS

5. Basing upon the pleading advanced in the statement of claim, the second party has also filed his affidavit evidence in this case and while examining as WW No. 1 by way of such affidavit evidence stated to have engaged as 'Welder' under the management for the period from January 2021 to the 7th July 2021. As it appears, the second party with regard to his present claim in dispute has relied upon three numbers of documents, out of which Exts. 1 and 2 are the photocopies of his Identity Card and inspection report dated the 12th March 2014 made by Social Security Officer of Employees State Insurance Corporation Inspection Division, Cuttack respectively. A perusal of Ext. 1 it would reveal that the same has been issued by the management in favour of the second party as a 'Welder' Similarly Ext. 2 gives a rise that the second party was working under the management since January 2011. So, there is no hindrance to hold that the second party was an employee under the management.

The second party further deposed that he has completed more than 240 days of continuous service under the management preceding the date of his termination by way of refusal of employment. He was accordingly, protected by the provisions of I.D. Act, but the management terminated him from service in the guise of refusal of employment with effect from the 7th July 2020 in clear contravention of the provisions stipulated under Section 25-F of the Act. Such action of the management according to the second party is illegal as well as unjustified due to non-compliance of the provisions of the Act. The second party therefore, has prayed for his reinstatement in service with full back wages coupled with terminal benefits till the date of attaining the age of 60 years.

At the cost of repetition, it is apposite to mention here that in the instant case the management did not opt to contest the claim of the second party by filing its WS or through any cogent documentary evidence. Rather, the management remained silent over the present case in dispute despite issuance of notice to it by this Court. So, this Court had no option than to set them *ex parte* in this case. Accordingly, nothing adverse is available before this Court to disbelieve the version of the second party. Hence, this Court compelled to accept the plea of the second party to the effect that the management refused him employment with effect from the 7th July 2020 which amounts to termination from service and he has completed more than 240 days of continuous service under the management preceding the date of his termination, for which he was entitled to the protection of Section 25-F of the Act. But, there is nothing on record disclosing that the management has ever complied the provisions embodied under Section 25-F of the I.D. Act while terminating the second party from his service and the said termination being made without compliance of I.D. Act is apparently illegal and unjustified.

On the face of above, it is next to see as to what relief the second party is entitled to in view of his illegal termination from service. As per the second party he has already reached the age of superannuation. Taking the aforesaid fact into consideration, the relief of reinstatement and back wages, in my considered view, would not be appropriate to be awarded in favour of the second

party and instead some compensation would be the just and proper relief in the present proceeding. So, ongoing through the status of the second party, his engagement period, his last drawn salary and his age the management is directed to pay a lump sum compensation of Rs. 3,00,000 (Rupees Three Lakhs) only to the second party within a period of two months of the date of publication of the Award, failing which the amount of compensation awarded in favour of the second party would carry a simple interest of 6% per annum till it is paid to him.

The case is disposed of accordingly.

Dictated and corrected by me.

MEENAKSHEE PRIYADRASINEE

1-03-2025

Presiding Officer

Labour Court, Bhubaneswar.

MEENAKSHEE PRIYADRASINEE

1-03-2025

Presiding Officer

Labour Court, Bhubaneswar.

[No. 3431—LESI-IR-ID-0101/2021-LESI]

By order of the Governor

MADHUMITA NAYAK

Additional Secretary to Government